

REMARKS

This responds to the Office Action dated March 1, 2005, and the references cited therewith.

Claims 28, 36-38, and 43 are amended herein. Claims 1-38 and 43-44 are now pending in this application.

Double Patenting Rejection

Claims 28, 31, 36-38, 43 and 44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-46 of co-pending application No. 10/025,183. In view of the remarks and amendments contained herein, applicant respectfully requests withdrawal of the rejection pursuant to MPEP 804.

§102 and §103 Rejection of the Claims

Claims 36-38, 43 and 44 were rejected under 35 U.S.C. § 102(b) as being anticipated by Barreras (U.S. Patent No. 5,807,397). Claims 28-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barreras (U.S. Patent No. 5,807,397) in view of White et al. (U.S. Patent No. 6,531,982). The rejections are traversed and reconsideration is respectfully requested.

Claim 28 has been amended to recite a method which includes powering a far field receiver coupled to the device circuit according to a first duty cycle in which the far field receiver is periodically powered up at defined wakeup intervals. Claim 36 has been amended to recite a device which includes a duty cycle controller coupled to a far field communication link and adapted to operate the far field communication link in a manner compatible with a duty cycled implantable medical device, wherein the duty cycle controller periodically powers up the far field communication link at defined wakeup intervals which match wakeup intervals of the implantable medical device. Claim 43 has been amended to recite a device which includes a duty cycle controller coupled to a far field receiver and adapted to power and unpower the far field receiver according to a first duty cycle in which the far field receiver is periodically powered up at defined wakeup intervals. Applicant finds no teaching or suggestion for these limitations in either Barreras or White. It also appears to applicant that the receiver discussed in

Barreras is not a far field receiver. Withdrawal of the rejections of claims 28, 36, and 43 is respectfully requested.

The recitations of dependent claims 29-35, 37-38, and 44 as amended are further limitations to the subject matter recited by claims 28, 36, or 43 as amended herein and are submitted to be neither taught nor suggested by the prior art of record in that context. Withdrawal of the rejections of claims 29-35, 37-38, and 44 is thus respectfully requested.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 1-27.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of June, 2005.

Name

Signature